

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

FILED  
OCT 24 2007  
*[Signature]*  
CLERK

\*\*\*\*\*  
UNITED STATES OF AMERICA,

\* CR. 07-30024

Plaintiff,

\* REPORT AND RECOMMENDATION  
\* FOR DISPOSITION OF DEFENDANT'S  
\* MOTION TO SUPPRESS STATEMENTS

-vs-

WILLIAM WAYNE ZIEGLER, SR.,

Defendant.

\*

\*\*\*\*\*  
Defendant, William Wayn Ziegler, Sr. has filed a Motion to Suppress Statements, Docket No. 29. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the October 24, 2007 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion should be granted to the extent that it seeks to suppress or prohibit the Government from offering any evidence or statements made by Defendant on November 29, 2005, and/or January 6, 2006 that refer or relate to the taking of a polygraph examination and his likely performance on the same. In all other respects, the Motion should be denied.

Dated this 24th day of October, 2007, at Pierre, South Dakota.

**BY THE COURT:**



**MARK A. MORENO**  
**UNITED STATES MAGISTRATE JUDGE**

**ATTEST:**

JOSEPH HAAS, CLERK

BY:   
Deputy

(SEAL)

**NOTICE**

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).